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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE 1052nd MEETING

Held at the Palais des Nations, Geneva,
on 8 August 1994, at 3 p.m.

Chairman: Mr. AHMADU

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Eighth periodic report of the Sudan: additional information requested under article 9.1 of the Convention (CERD/C/222/Add.1)

1. At the invitation of the Chairman, Mr. El-Mufti and Mr. Elkarib (Sudan) took places at the Committee table.

2. The CHAIRMAN thanked the delegation of the Sudan for having come to present the additional information requested by the Committee during the consideration of the eighth periodic report of the Sudan.

3. Mr. EL-MUFTI (Sudan) welcomed the opportunity given him to continue the very profitable dialogue initiated with the Committee. The Government of the Sudan had asked him, in his capacity as Solicitor-General of the Ministry of Justice and Rapporteur of the High Council for Human Rights, to submit its additional report (CERD/C/22/Add.2) to the Committee, since the person who had prepared it was currently serving abroad. Sending him (Mr. El-Mufti) represented a financial effort for the Sudanese authorities which testified to the importance they attached to continuing the dialogue.

4. During the consideration of the eighth periodic report of the Sudan, the question whether cases of racial discrimination existed in the south of the country had been discussed at length; the Sudanese delegation had denied the existence of discrimination and had advanced two arguments in support of its assertion: first of all, in the south of the Sudan, which was the centre of the conflict, civilians fleeing the war zones went to government-controlled areas further north or further inland and not to neighbouring countries like Rwanda where the populations left their country because of the ethnic nature of the conflict. The fact that southern Sudan was sheltering more than 1 million refugees not only from neighbouring countries but also from more distant countries was further evidence that there was no racial discrimination; if they were subjected to discriminatory practices, the refugees would seek asylum elsewhere.

5. The authorities did, however, admit that national wealth and political power were not fairly distributed between the various regions. That situation had been inherited from colonial times when a policy of separation between north and south had been implemented, resulting in what had been known as the "closed districts" ordinance which prohibited all contact between regions. That policy had led to the under-development of the southern regions and the concentration of power in the north. Since coming to power in 1989, the present Government had admitted the facts and had undertaken to put into effect a number of recommendations for the restoration of greater fairness which had emerged from a number of conferences held throughout the country.

6. Since the submission of the eighth report, the Sudanese authorities had therefore begun to implement their policy of greater fairness by promulgating five constitutional decrees intended to ensure a better distribution of wealth and power. Constitutional decree No.10 of October 1993 had divided the Sudan

into 26 states of which no fewer than 10 were in the south which, given the size of its population, should only have seven. Each of those 10 states had a governor as well as a council of ministers and a legislative council, thus giving greater weight to the minorities living in those regions, which would henceforth receive preferential treatment. Decree No. 7 established human rights for all members of society and those rights henceforth formed an integral part of the Constitution. After the dissolution of the Revolutionary Command Council for the National Salvation Revolution, a President of the Republic had been appointed under Decrees Nos. 8 and 9 which laid down that the President must subsequently be elected by direct universal suffrage; it was simply to avoid a constitutional vacuum that the Revolutionary Council had nominated a President prior to its dissolution. A National Assembly and the councils of the various states had also been constituted, 45 per cent of whose members would be elected by direct universal suffrage and 45 per cent by indirect suffrage. Elections had originally been planned for March or April 1994, but, because of difficulties relating in particular to the country's vast area, they had been postponed by constitutional decree until March 1995. What had been mere promises a year previously had begun to materialize in the course of the year just ended and it was certain that Sudan's next report would record specific achievements.

7. Several corridors had been opened in order to channel aid to the populations of the war zones, the Government having accepted the recent peace initiative put forward by the countries of the Inter-Governmental Authority on Drought and Development (IGADD) (Ethiopia, Eritrea, Kenya, Uganda and Sudan). At the most recent session of those countries and at their urging, the Sudan had announced a unilateral cease-fire which the rebels had in turn applied as a result of international pressures; they were, however, still preventing the arrival of aid, as the United States State Department had noted on 11 July 1994.

8. In the course of the past year, the Sudan had opened its gates wide to various eminent persons - ministers, parliamentarians, representatives of Christian churches, NGOs, etc., and it had invited Amnesty International to visit the country in November 1994. The night curfew had been lifted in Khartoum state. The human rights document prepared by the Transitional National Assembly would, moreover, be circulated at the forthcoming session of the United Nations General Assembly in September 1994. A programme to resettle populations displaced by natural disasters such as drought or by armed conflicts was being implemented. Document CERD/C/222/Add.2 also furnished some statistics as the Committee had asked. It revealed that Arabs made up 39 per cent of the Sudanese population and Africans 61 per cent, while there were 70 per cent Muslims and 30 per cent Christians and followers of African religions in the country.

9. The Sudanese authorities had been wrongly accused of practising torture in the prisons. Less than a month previously, the former head of Government who was currently the leader of the opposition, who enjoyed full freedom of action, had stated during a television programme in which one of his advisers was also taking part that the allegations of torture in the prisons were a pack of lies. Similarly, an organization for the defence of human rights in the Sudan, which had its headquarters abroad and claimed to belong to the opposition, had, using its President as spokesman, declared at a seminar in

Cairo in July 1994 that the accusations that the Government of Sudan had massacred tens of thousands of persons in the Nuba Mountains were unfounded. After that, members of the opposition should be more careful in their assertions if they did not wish to lose all credibility.

10. Mrs. SADIQ ALI (Rapporteur for the Sudan) paid tribute to the Sudanese authorities who had been willing to send a representative to Geneva at great expense to continue the dialogue with the Committee. First of all, she would welcome clarification of certain passages of the report under consideration. Referring to paragraph 4 of the document, she wished to know what exactly were the legislative powers conferred on the Transitional National Assembly and of what the new constitutional legitimacy would consist. With reference to paragraph 6, it would be very useful to know what the exact provisions of the Penal Code were under which security personnel were punishable. Paragraph 9 referred to the lifting of the night curfew in Khartoum state; was it in force only in that state? The next paragraph stated that in Juba members of the army and the popular defence forces did not carry arms when they went to the civilian parts of the town except late at night; why did they need to be armed at night? The Committee would also find it useful to know more about the independence and the role of the judiciary mentioned in paragraph 12 and in particular how its officials were appointed.

11. Sudan's document on human rights issued by the National Assembly stated that human life might not be harmed "except in accordance with the law;" she would like to know what exactly that expression implied. Similarly, the paragraph on the right of participation in public life, at the bottom of page 4 of the document under consideration, required some explanation. With reference to the economic rights mentioned in the middle of the following page, it would be of interest to the Committee to have before it social and economic indicators of the distribution of national wealth. Paragraph 15 of document CERD/C/222/Add.2 indicated that many steps had been taken in order to normalize the situation in the Nuba Mountains; further information on the subject would be useful. Paragraph 26 also required detailed explanation; did the second sentence of the paragraph imply that the provisions of the Convention were in contradiction with the Qur'an? The following sentence, on the subject of ensuring through legislation that all non-Muslims enjoyed equal rights, was not very clear either, while the last sentence of the paragraph also called for some clarification.

12. The representative of the Sudan had just stated that the populations of the south fleeing the fighting were taking refuge in the north rather than leaving the country. The Economist of 21 February 1994, however, stated that some 2 million southerners had fled to the north but that more than 600,000 had been displaced to the south and that a further 400,000 could be found in refugee camps in Uganda, Zaire, Ethiopia and the Central African Republic. She would welcome some clarification on the subject. Mr. El-Mufti had also asserted that torture was not practised in the Sudan. However, it seemed that the security forces, official or not, practised it very regularly. For example, when the security forces had arrested several dozen students who were demonstrating against the regime in the Khartoum region in October 1993, they had beaten them severely. Furthermore, the officer Mohammad Ahmed al Rizk al Faki, a detainee in Suakin prison, had asserted in a letter to his family that he had been subjected to severe physical and psychological

torture. Detainees who were minors were often imprisoned with adults. In the course of 1993, the courts had handed down a number of amputation sentences but none of them appeared to have been carried out by the end of the year. The Anglican Bishop Elbersh, accused of adultery, had been flogged publicly in 1993.

13. The 1991 Penal Code did not address the issue of the duration of detention or of security arrest; it would be desirable to have details on that subject. Some 20 people had been detained in April 1993 following an alleged coup d'état. Some of them had appeared on television, in chains and bearing signs of ill-treatment and it had been reported that they had been severely tortured. The Government had announced that they would have a fair and public trial, but, according to Human Rights World Report for 1994 no trial had yet taken place by November 1993.

14. The three southern states, whose population was mostly non-Muslim, were officially exempted from certain provisions of the 1991 Criminal Act. In 1993, the Government had transferred most non-Muslim judges to the north, replacing them with Muslim judges. It seemed, however, that apart from flogging, no specific punishments provided for by Shari'a had been handed down by the courts in the Government-controlled areas of the south, although fear of the imposition of Shari'a continued to be one of the key motivations of the rebels. The Government continued its practice of dismissing government employees suspected of being anti-regime, and particularly military personnel, more than a hundred of whom had been relieved of their duties during the year.

15. In 1993, the climate of intimidation, fostered in part by the Government's informer network, had inhibited all public political discussion. The media, including the Sudanese News Agency SUNA, remained in the pay of the Government, which appointed the chief editors of all the newspapers. For most of 1993 the Minister of Information had been an army officer. In mid-1993, a new Press Code that called for the privatization of State-owned print media and allowed the creation of new private newspapers had been published. However, by the end of the year, no newspapers had been privatized and no new independent newspaper had appeared; many local journalists were sceptical about the new Code and complained that it did not take their views into consideration and restricted coverage in many areas, from military affairs to subjects that might create religious or racial tensions or exacerbate social problems.

16. Freedom of association and peaceful assembly were severely restricted. In October and November 1993 the police had used tear gas and baton charges to break up groups of students and other persons who were protesting in the Khartoum area. When riots broke out in Gedaref, El Obeid and Er Rahad during the year, the security forces had fired into the crowd, killing several people. Apart from a few local NGOs involved in relief work and the Sudan Industries Association, all other associations were either Government-controlled or controlled by the party in power.

17. Where freedom of religion was concerned, some Muslim converts to Christianity had been harassed by the local authorities in 1993. In some war zones, and in the Nuba Mountains in particular, reliable sources reported that the government forces were closing churches and restricting the movement of

Christian clergy; in the government-held parts of the south and in the Nuba Mountains, the Islamic NGO personnel had refused help to the needy unless they converted back to Islam.

18. With respect to the attitude of the Sudanese Government vis-à-vis the investigation of alleged human rights violations, she welcomed the fact that Amnesty International had been authorized to visit the Sudan, but she stressed that the Special Rapporteur of the Commission on Human Rights, Mr. Biró, who had also received permission to visit certain sensitive areas, had encountered difficulties when he had sought to meet dissidents. She also noted that the Government had arrested the persons who had assembled peacefully in front of the United Nations offices in Khartoum where Mr. Biró worked and had accused him and the Commission on Human Rights of systematic hostility against the Sudan. Religious, ethnic and ideological discrimination was very much in evidence. The Arab Muslim majority in the north practised it against the several million displaced non-Arabs. In the schools, in the universities, in the civil service and in business Muslim non-Arabs were disadvantaged and subjected to numerous forms of harassment. Where workers' rights were concerned the Committee on Freedom of Association of the International Labour Organization (ILO) had had to deplore the Government's detention of four trade unionists and its lack of response to allegations that three of them had been tortured. Meanwhile, famine continued to ravage the south of the country.

19. Mr. ABOUL-NASR, speaking on a point of order, asked Mrs. Sadiq Ali, not to stop accusing a Member State, but to give her sources, in order that the Committee might follow what she had to say.

20. Mr. DIACONU said that he would like Mrs. Sadiq Ali to specify the articles of the Convention that were breached by the facts she denounced.

21. Mrs. SADIQ ALI said that she had quoted the Government of the Sudan, which had accused the Commission and ILO of bias against the Sudan and had then quoted a United States Country Report on Human Rights of February 1994 on the rights of workers, while her information concerning famine came from a report by the United States Center for Disease Control and Prevention of March 1993, according to which half the deaths registered since March 1992 could be attributed to the famine. Another report, the Human Rights World Report for 1994, found that the rates of severe under-nutrition observed in the Sudan were among the highest in the world, including Somalia. The United Nations for its part had estimated that approximately 800,000 people were in need of international food relief while another 700,000 needed farming tools, seeds and fishing implements, which had been destroyed during the war, in order to reduce dependence on expensive imported food. The Government had continued to obstruct relief efforts; it had allowed the teams of Operation Lifeline Sudan to reach only six locations in 1992 and 40 in 1993. In 1993, it was only under pressure that it had allowed entry to the Special Envoy for Humanitarian Affairs for the Sudan appointed by the Secretary-General. Lastly, she asked the representative of the Sudan to specify the bases on which the 10 States constituted in the south of the country had been organized.

22. Mr. WOLFRUM considered that the existence of the report and the presence of representatives of the Sudan demonstrated that country's desire to

cooperate with the Committee with a view to a better implementation of the Convention. He welcomed those passages of the report which testified to the fact that the Government admitted the problems and was thus taking a first step towards solving them. The first sentence in paragraph 16, for example, the end of paragraph 17 and the last sentence of paragraph 23 showed that the Sudan had identified the causes of its difficulties, that it admitted that relationships between ethnic groups were conflictive and that it needed to take account of certain grievances, all of which could not fail to have an effect on future legislation, the Constitution, administrative procedures and government practice in general.

23. He also welcomed the transition from "revolutionary legitimacy" to the "pre-eminence of the rule of law" and the "reaffirmation of the independence of the judiciary" (paras. 4 and 3 (d) of the report), which represented a major step towards normalization of the situation. The representative of the Sudan had announced for 1995 a report that would be more satisfactory to the Committee and would set out the facts clearly. He could not but be pleased at the prospect since the law and the Constitution were nothing unless they had a practical application. It was precisely in that respect that the report under consideration was deficient: it did not specify to what extent the man in the street would actually benefit from the new legislative and constitutional provisions. Among other specific facts relating to the amendments to the Constitution he would like to know, for example, who had taken the decision on the delineation of the borders of the 10 new southern States mentioned in paragraphs 3 (a) and 15 of the report and in the oral statement by the representative of the Sudan, and in particular whether the citizens concerned had been allowed to have their say. If so, article 2 of the Convention had been respected, but if the Government had on its own account modified the borders to weaken rather than improve the position of certain groups, then it had not. The representative of the Sudan should provide some clarification. In order for a given group to be properly protected, some degree of power-sharing was necessary, while some spheres - education and social services, for example - should be the domain of the provinces, districts and States and not of central Government. In regions of the Sudan which were populated by different groups, their protection should also be the result of some degree of autonomy of the villages. He asked whether, for example, in the Nuba Mountains, that autonomy had been granted.

24. The Sudan had reaffirmed the independence of the judiciary and the pre-eminence of the rule of law, which were both measures fully in keeping with article 6 of the Convention. The structure of the judiciary system still remained to be explained, and how magistrates were trained, elected and dismissed, and, more particularly, how they judged non-Muslims since, as paragraph 25 stated, "the laws in the Sudan are mostly of Quranic origin" and "non-Muslims are not affected." Did Sudanese law function at two different levels? Following the order of the report, he went on to ask whether the right of the citizen to choose his religion, mentioned in paragraph 3 (b), also meant that a citizen had the right to change his religion. In the case of the right to property, which was protected according to paragraph 3 (c) and paragraph 14, he asked for clarifications concerning the expropriations referred to in certain reports. If the expropriation was carried out in the public interest and accompanied by adequate compensation it did not constitute a violation of the Convention, but he was not sure that that principle was

respected in all regions of the Sudan. The first sentence of paragraph 6 had the merit of being frank since it admitted that security officers had extensive powers of arrest. The limitation of those powers was a good thing but there was a need to go further. In fact, only a magistrate could decide to have a person arrested for more than 24 or 48 hours. The Committee was justified in concerning itself with that issue and asking whether the principle was applied, since the responsibility of the State was engaged whenever one of its agents abused his powers and it was incumbent on it to prevent any "discrepancy in the manner of the enforcement of the laws and the Convention."

25. Paragraph 14 listed a number of rights, including economic rights which represented the just and equitable distribution of national wealth among the citizens of the State. He was aware of a contradiction between that assertion and the observation that the south of the Sudan was underdeveloped. Since the south was occupied by an ethnic group other than that of the north, the question arose whether that was not an effect of racial discrimination. Paragraph 15 (a) referred to displaced persons who had been encouraged to resettle in the Nuba Mountains. It would be interesting to know who had displaced those persons and how the resettlement was being organized, since it might be thought that the inhabitants of north Sudan were being sent to that very sparsely populated region in order to modify the demographic structure of the Sudan. The information given in paragraph 16 was encouraging but he wondered whether Sudanese law contained anything equivalent to article 1 of the Convention. Lastly, he noted that the Sudanese Government found it regrettable that the findings of the Commission of Inquiry appointed on 25 November 1992 had not been made public. He, too, regretted that fact and hoped that it would soon be remedied and that the matter could be discussed when the Committee and the Sudan continued their dialogue early in 1995.

26. Mr. VALENCIA RODRIGUEZ envisaged the situation of the Sudan, not from the point of view of criticisms, but from that of solutions to be found to existing problems. He preferred to encourage the Government by emphasizing its successful initiatives and its spirit of collaboration. He particularly wished to mention constitutional decrees Nos. 7, 8 and 9, which embodied a number of rights, set out in paragraph 3 of the report, since they contributed, albeit indirectly, to the implementation of the Convention. He also welcomed the lifting of the night curfew referred to in paragraph 9. He stressed the importance of the human rights document prepared by the Sudan, the main lines of which were set out in paragraph 14. In many respects, that document met the requirements of article 5 of the Convention, since it proclaimed the right to life, the prohibition of slavery, the right to a nationality, the right to form trade unions and - as was eminently satisfactory where the Convention was concerned - the equality of all persons in the eyes of the law. The Committee still had to learn how those rights were implemented in practice.

27. According to the information provided in paragraphs 16 to 23 of the report, the origins of the conflict in the Sudan could be found in ethnic differences aggravated by political, religious and cultural factors. He asked what measures - political, economic or social - the Sudanese Government had taken or intended to take to rectify the policy of division formerly practised by the British colonial administration. A strict application of the

provisions of the Convention should contribute to resolving the conflict. The Committee should therefore ask the Sudanese delegation for additional information to supplement the contents of paragraph 26. In any case, it was undeniable that the problems arising in various regions of Africa - flows of refugees, the general economic and social situation - could be resolved only with the help of effective aid from the international community.

28. Mr. de GOUTTES said that the exceptionally serious nature and the inter-ethnic aspects of the conflict unfolding in the Sudan justified the Committee in resorting to the somewhat unusual procedure of requesting additional emergency information. When a country's situation was particularly serious, the Committee's duty was to make greater efforts to uncover the deep-seated causes of the situation than a strict interpretation of its mandate seemed to warrant.

29. In the conclusions it had prepared in March 1993 after considering the eighth periodic report of the Sudan (CERD/C/222/Add.1), the Committee had taken "note of the information supplied concerning Sudanese legislation, but observed that there often appeared to be a disjunction between those provisions and the manner of their implementation" (A/48/18, para. 126). That impression had still not been dissipated; too much uncertainty remained regarding the practical implementation of the measures described. Paragraph 14 of the additional report mentioned a document on human rights prepared by the Sudan. He asked what were its nature and legal status and whether it was a text adopted by the National Assembly itself or one issued by the Revolutionary Command Council for the National Salvation Revolution. He particularly wished to know how the principles it set out had been implemented in practice. With regard to the division and the problems between north and south (paras. 24 to 27 of the report), the report stated that "for the southerners this situation has been caused mainly by racial prejudices, whereas northerners believe that it has been caused by socio-economic underdevelopment" (para. 24). The report did not take sides on the issue. He asked the Sudanese delegation to identify the dominant factor which explained the division between north and south.

30. With regard to the composition of the population of the Sudan, paragraph 27 of the report contained new information of great interest to the Committee, for which he thanked the Sudanese delegation. Paragraph 29 referred to the most recent population census (1993) the results of which would be published in three months' time. He wished to know whether the Sudanese delegation was in a position to indicate those results. With regard to refugees (paras. 31 to 33 of the report), the report stated that the Government's policy was to encourage the voluntary repatriation of all refugees back to their countries of origin (para. 33). It also stated that the Government had initiated some development projects in the Nuba Mountains to attract resettlement of displaced persons in those areas (para. 15 (a) of the report). He asked what measures precisely had been taken to encourage the voluntary repatriation of the refugees.

31. His last question concerned the general human rights situation in the Sudan. The Sudanese delegation had announced that torture was no longer practised and that there was no racial discrimination in the Sudan. However, various reports (the reports of Amnesty International and the

U.S. State Department on human rights) were still recording serious human rights violations against the peoples of the south. According to the two reports quoted, human rights violations, arbitrary arrests, abductions and even numerous abuses of authority or acts of corruption could be explained for the most part by the emergency measures dictated by martial law. He wondered whether martial law and the state of emergency which had been proclaimed in the southern region were still in force and whether the emergency measures had been made more flexible even if they had not been repealed.

32. Mr. CHIGOVERA said that he would like the delegation of the Sudan to provide certain clarifications. First of all, he wished to know by whom and according to what methods the borders of the new states created (para. 3 (a)) had been defined. Had the local populations taken part in the process? Secondly, he wished to know what exactly was meant by the expression "revealed religions and sacred beliefs" in paragraph 14 under the heading "Social rights". His understanding was that the reforms described in the report were intended to encourage national integration. However, paragraph 17 of the report suggested that one of the reasons for the conflict between the north and the south was that in the Sudan the different religions were not treated on an equal footing. Thus, "Islam dictates that non-Muslims convert to the Islamic faith in order to be allowed to marry Muslim girls", while the contrary was not the case. As a result, "intermarriage between the Arabs and the Africans in the south is limited". That had limited intercourse between the two communities and slowed the process of national integration. Paragraph 23 confirmed the existence of that state of affairs, since "the northern Sudanese consider themselves Arabs and look to the Arab world for sympathy and inspiration. On the other hand the south identifies itself as African and looks towards black Africa for sympathy and inspiration" (para. 23). In his view, efforts to find common ground between those two sectors of the population of the Sudan might help in solving some of the problems which existed.

33. With reference to paragraph 26 of the report, he was not sure as to the meaning to be given to the first sentence. Should it be taken that Sudanese legislation, regulations and practices were or were not in conformity with the provisions of the Convention? He asked the Sudanese delegation to clarify that point and also the next two sentences of paragraph 26. If "there was no way any law whose origin lies in the Quran can be changed", and if Quranic law came into conflict with the Convention, how did the Government of the Sudan intend to comply with the international obligations imposed on it by the Convention?

34. Mr. SHAHI said that the additional report of the Sudan testified to that country's desire for greater rapprochement with the Committee's point of view, while during the presentation of the eighth periodic report it had seemed that the dialogue between the Committee and the State party had reached a deadlock, the Committee holding to the provisions of the Convention and the State party to inflexible laws which were practically not subject to modification. He was pleased now to observe the beginnings of convergence. He also welcomed the Sudanese Government's intention to make use of the technical assistance provided by the advisory services programme of the Centre for Human Rights to

prepare its next report (para. 37 of the report). He hoped that, as a result of that assistance, the Sudan's next report would be more in keeping with the provisions of the Convention than in the past.

35. He was happy to read in paragraph 4 of the report that "a period of constitutional legitimacy characterized by the pre-eminence of the rule of law" had started. However, the Sudan would only genuinely reach the stage of constitutional legitimacy if the Constitution and the laws were promulgated by the will of the people. In paragraph 14, under the heading "Right of participation in public life", he noted a reference to popular participation. He hoped that the Sudan would evolve towards a system of elected government. As a comparison, he pointed out that in Pakistan, a system of government based on the will of the people was considered perfectly compatible with Islam. Similarly, Pakistan's Council of Islamic Ideology had examined hundreds of international agreements, including, inter alia, the Conventions of the International Labour Organization, and had not found any that were not compatible with Islamic law. Despite undeniable difficulties, Pakistan's achievements in the context of its Islamic Constitution were encouraging.

36. He was not sure whether to take it that the Sudan was intending to evolve towards a federal form of government. If that was the case, the provinces or states created in the south, like those of the north, should have their legislative assembly and the governments of the states should answer to those legislative assemblies. He asked the delegation to include in its next periodic report to the Committee information on the systems of government developed for the provinces or states and for the central or federal Government, with an explanation of how power was distributed between the former and the latter, or to indicate whether it envisaged a unitary form of government with decentralization. The two forms could both be democratic if they were based on the will of the people, but in multicultural States a federal system was often the best means of reconciling unity and diversity.

37. In his opinion, the additional report of the Sudan was a remarkable document, in particular because the Government recognized in it that "Sudan is a multiracial, multireligious and multicultural society" (para. 16). The world already knew that, but it was important that the Government of the Sudan should admit it. For a State of that type, the main difficulty was to ensure a fair distribution of power - in the case of the Sudan, between north and south. In the latter case, it was also an essential condition for a return to peace.

38. Referring to two assertions contained in the report (para. 26: "The only course possible is to ensure through legislation that all non-Muslims enjoy equal rights", and para. 14, under the heading "Social rights", (i) "The State respects all heavenly revealed religions and sacred beliefs and protects them against any abuse and prohibits religious persecution and religious intolerance"), he said that if the Sudan, through its Constitution and domestic laws, successfully ensured equality of rights between Muslim and non-Muslim citizens, it would fulfil the obligations laid on it by article 5 of the Convention. Such a result would be of the highest importance since the Sudan would thus give an example of harmonization of those members of society who claimed an Arab heritage and those who claimed an African heritage. Many other African countries also had a dual African and Muslim heritage.

39. It was interesting to read on page 5 of the report that "The State ensures the just and equitable distribution of national wealth among its citizens". It was a very worthy principle but it unfortunately did not correspond to the real situation; it would therefore be useful to know what specific measures the Sudanese Government had taken to implement that noble principle. According to paragraph 33 of the report, there were more than 250,000 Sudanese refugees in neighbouring African countries, and the policy of the Government of the Republic of the Sudan had been to encourage the voluntary repatriation of all refugees back to their countries of origin. He commented that his own country, Pakistan, had hosted up to 3 million refugees following the Soviet invasion of Afghanistan and that only 1 million had been repatriated to their own countries. Until a cease-fire and lasting conditions for peace were restored in Afghanistan, it would be very difficult to repatriate those refugees. In conclusion, he thanked the Sudanese delegation for its eighth periodic report, which revealed considerable progress in the harmonization of Sudanese laws and institutions with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. He hoped that the progress which had been made would continue in the future.

40. Mr. ABOUL-NASR congratulated the Sudanese delegation for its submission of a frank report which set out the results obtained since the consideration of the previous report and the objectives that still remained to be achieved. However, he did not always share the point of view of the Sudan regarding the prime causes of that country's problems. He noted with satisfaction that the Sudanese human rights document had been published by the National Assembly and asked the Sudanese delegation to be so kind as to send a copy to the members of the Committee.

41. The report did not contain all the additional information requested by the Committee although it did make unnecessary mention of other questions (for example, the impossibility of changing a law based on the Quran). In that regard he reminded members that the greatest prudence was required in not mixing racial and religious questions. He wished to associate himself with the remarks made by his colleagues and particularly by the Rapporteur, Mrs. Sadiq Ali, in the hope that in the future she would not fail to give the source of the quotations in support of her comments. He feared that Mr. Gasper Biró's report on the situation of human rights in the Sudan was not completely objective and deplored the fact that countries like Iraq, Iran, Libya and North Korea should be subjected to such virulent attacks, even although their human rights situation was far from perfect.

42. He hoped that the Commission of Inquiry would publish its conclusions in the near future. On the subject of the demographic composition of the population of south Sudan, he understood that the Christians were only in third position behind the Muslims and the Animists, the last-mentioned being the most numerous. He hoped that the presidential elections which would be held in the Sudan would be the means of installing a democratic process in that country.

43. Mr. RECHETOV welcomed the open and constructive dialogue which had been initiated with the Sudanese delegation on the occasion of its submission of additional information. Such efforts were extremely praiseworthy, having

regard to the complex situation in the country concerned. With reference to a matter that was not directly related to the report, the question of the sources quoted by the experts and rapporteurs, he was of the opinion that the sources used by Mrs. Sadiq Ali did not seem very convincing; on the one hand they were tendentious and on the other they had no direct connection with the International Convention on the Elimination of All Forms of Racial Discrimination, as Mr. Diaconu had also pointed out. He considered that each expert was free to use the sources available to him and the other members of the Committee were free to accept them or not, provided, however, that a distinction was made between the sources cited and personal opinions.

44. Mr. DIACONU said that all sources could be used if they were directly linked to the question of racial discrimination which the Committee was considering. It was obviously advisable to weigh up the relevance of the sources before using them.

45. The CHAIRMAN, speaking in a personal capacity, congratulated the Government of the Sudan on having kept up the dialogue with the Committee. He found it difficult to disguise his own feelings since his own country, Nigeria, resembled the Sudan in many respects and both shared the same aspirations. The Sudan was devastated by civil war and was struggling for survival. In the circumstances, it was understandable that concern for certain human rights problems might seem a luxury. It was true that many passages of the report could still provide substance for discussion (for example, paras. 16, 17, etc., particularly with reference to the question of mixed marriages). It was a fact that, as in many other countries, there was a difference between the north and the south of the Sudan. However, the Blacks of the south had never demanded secession and he dared to hope that the country would in the future find the means of ensuring the harmonious coexistence of all its inhabitants.

The meeting rose at 6 p.m.